

MARK D. BRUTZKUS - Bar No. 128102
JEFFREY A. KOBULNICK - Bar No. 228299
BRUTZKUS GUBNER
21650 Oxnard Street, Suite 500
Woodland Hills, CA 91367
Telephone: (818) 827-9000
Facsimile: (818) 827-9099
Email: mbrutzkus@brutzkusgubner.com
jkobulnick@brutzkusgubner.com

Attorneys for Defendant/Cross-Claimant,
CITI TRENDS, INC.

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

TEXKHAN, INC., a California
Corporation, individually and doing
business as HYUP SUNG T.R.D.,

Plaintiff,

v.

MACKSON, INC., a New York
Corporation, individually, and d/b/a/
"DENIM-LICIOUS" and "SHE'S SO
COOL"; ROSS STORES, INC., a
California Corporation; CITI TRENDS,
INC., a Delaware Corporation; A & E
STORES, INC., a New York
Corporation, individually and d/b/a
"STRAWBERRY"; and DOES 1
through 10,

Defendants.

CITI TRENDS, INC., a Delaware
Corporation,

Cross-Claimant,

v.

MACKSON, INC., a New York
Corporation, individually, and d/b/a/
"DENIM-LICIOUS" and ROES 1
through 10, inclusive,

Cross-Defendants.

Case No. CV16-00611 ODW (AFMx)

**REQUEST FOR ENTRY OF
DEFAULT AGAINST CROSS-
DEFENDANT MACKSON, INC. d/b/a
"DENIM-LICIOUS"; DECLARATION
OF JEFFREY A. KOBULNICK IN
SUPPORT THEREOF**

Assigned to: Honorable Otis D. Wright II

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Defendant/Cross-Claimant CITI TRENDS, INC. (“Cross-Claimant”) hereby requests that the Clerk of the above-entitled Court enter default in this matter against Cross-Defendant MACKSON, INC., a New York Corporation, individually, and d/b/a/ “DENIM-LICIOUS” (“Mackson” or “Cross-Defendant”), on the grounds that said Cross-Defendant has failed to appear or otherwise respond to the Cross-Complaint within the time prescribed by the Federal Rules of Civil Procedure.

Cross-Claimant served the Cross-Complaint and Summons on MACKSON, INC. on April 7, 2016, as evidenced by the Proof of Service filed with the United States District Court Central District on April 21, 2016 and allocated Docket Number 31. To date, no response to the Cross-Complaint has been filed by Mackson, and the time for filing this response has now expired.

The above-stated facts are set forth in the accompanying Declaration of Jeffrey A. Kobulnick which is filed concurrently herewith.

Dated: June 14, 2016

BRUTZKUS GUBNER

By: /s/ Jeffrey A. Kobulnick
MARK D. BRUTZKUS
JEFFREY A. KOBULNICK
Attorneys for Defendant/Cross-Claimant,
CITI TRENDS, INC.

DECLARATION OF JEFFREY A. KOBULNICK

I, JEFFREY A. KOBULNICK, declare as follows:

1. I am an attorney licensed to practice in the State of California. I am a partner in the law firm of Brutzkus Gubner, attorneys of record for Defendant/Cross-Claimant, CITI TRENDS, INC. ("Cross-Claimant") in this action. All facts contained herein are within my personal knowledge and, if called as a witness, I could and would competently testify thereto.

2. This Declaration is made in support of Cross-Claimant's Request for Entry of Default Against Cross-Defendant MACKSON, INC., a New York Corporation, individually, and d/b/a "Denim-Licious" ("Mackson").

3. Cross-Claimant has filed a Cross-Complaint for Breach of Warranty Against Infringement entitled *Citi Trends, Inc., a Delaware Corporation v. Mackson, Inc., a New York Corporation, individually, and d/b/a/ "DENIM-LICIOUS" and ROES 1 through 10, inclusive*, Case No. CV16-00611 ODW (AFMx).

4. MACKSON, INC., a New York Corporation d/b/a "DENIM-LICIOUS" is and was a named Cross-Defendant in the above-stated action.

5. My firm caused to have served the Cross-Complaint and Summons on the Cross-Complaint in the above-named action on Arvinder Kaur, Sales Representative, a person designated by law to accept service of process on behalf of MACKSON, INC., a New York corporation on April 7, 2016. A Proof of Service was filed with the United States District Court Central District on April 21, 2016 and allocated Docket Number 31.

///

///

///

///

///

6. Mackson has failed to file or serve a response to the Cross-Complaint and the time period in which it was required to serve its response to the Cross-Complaint has expired.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on June 14, 2016 at Woodland Hills, California.

By: /s/ Jeffrey A. Kobulnick

JEFFREY A. KOBULNICK